

Appl. No.: 10/581,989

Amdt. Dated December 14, 2010

Response to Office Action Mailed September 14, 2010

REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application.

It is again respectfully submitted that no prima facie of obviousness has been established with respect to the described invention herein, as set forth in independent claims 1 and dependent claims 2-20. Claim 1 provides for the removal and hauling of subsurface-mined material using at least *two similar vehicles* in a roadway section between a heading face and a continuously extended haulage means (such as a conveyor) and conducting *at least one material transfer from the first of the similar vehicles to the second of said similar vehicles* and then a transfer of the mined material to the haulage means. The novel and unique steps of the method as claimed arise from the feature of having at least one material transfer from the first vehicle to a second similar vehicle and then having the transfer of the mined material to a continuously extending hauling means. This transfer from a first vehicle to a second similar vehicle allows for a highly efficient haulage and removal of the mined material despite the limited width of a mine roadway which normally corresponds to the width of the tunneling machine. It certainly cannot be said that it is obvious from Lee to use two similarly shaped vehicles. Nowhere does Lee even remotely suggest that concept. Lee shows only one shuttle car which has the capability of transferring a load of mined material to a conveyor. It says nothing about using two such shuttle cars and transferring from one to the other. The transfer in the claimed invention occurs when the two similarly shaped vehicles are between the heading face and a continuously extended

haulage means. Nowhere is it mentioned that the material in one shuttle car is discharged into another shuttle car while being between the heading face and the continuous haulage means. The same applies to column two, lines 48-55 and column nine, lines 51-61.

The entire description of Lee clearly states that the material is discharged onto the receiving conveyor, hopper, mine car, or the like, all of which are different from the shuttle car and therefore it cannot be seen how a person skilled in the art could find the solution as claimed in the present invention based on the teaching of Lee.

It is therefore submitted that the additional reference cited in the second office action provides no hint as to the invention as defined in the pending claims and no other art of record could be combined therewith that could make the claimed invention obvious under Section 103(a).

For the foregoing reasons, it is respectfully requested that the Section 103(a) rejection be withdrawn for failure to provide a prima facie case of obviousness. It is thus respectfully submitted that this application is in condition for prompt allowance; and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.


The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

RECEIVED
CENTRAL FAX CENTER

DEC 14 2010

Extension Request and Deposit Account Charge Authorization. The Commissioner is hereby authorized to charge any required fees, or credit any overpayment, associated with this communication, including fees for any necessary extension of time under 37 CFR §1.136(a) for filing this communication, which extension is hereby requested, to our Deposit Account No. 50-0305 of Chapman and Cutler LLP.

Respectfully submitted,




Robert J. Schneider, Reg. No. 27,383

Date: December 14, 2010
Attorneys for Applicant(s):
Robert J. Schneider
Jane S. Berman
CHAPMAN AND CUTLER LLP
111 West Monroe Street, Suite 1700
Chicago, Illinois 60603-4080
Telephone: 312-845-3919

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

Attorney Docket Number: 1717552
App. Serial No.: 10/581,989
Date of Facsimile Transmission: December 14, 2010
Transmitted to Facsimile No.: 1-571-273-8300

I hereby certify that the attached correspondence, namely: Response to Office Action, with Appendix, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Robert J. Schneider

Date of Signature: December 14, 2010